THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8854 of 2007

Dated:26.04.2007

Between:

S.A. Nagaraju.

..... PETITIONER

AND

The Junior Civil Judge, Gajuwaka, Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.8854 of 2007

ORDER:

The petitioner allegedly purchased land admeasuring Ac.0.50 in survey No.49/3 situated at Aganampudi Village, Gajuwaka Mandal, Visakhapatnam District under registered sale deed dated 16.10.1997. He filed a suit, being O.S.No.253 of 1999, on the file of the Court of the Principal Junior Civil Judge, Anakapalli, for declaration of title as well as injunction against the Mandal Revenue Officer (MRO). He also sought *ad interim* injunction in I.A.No.1345 of 1999. The same was dismissed by the trial Court on 07.12.2000. The petitioner then filed C.M.A.No.9 of 2001 along I.A.No.42 of 2001 for interim orders on the file of the Senior Civil Judge, Anakapalli, which ordered *status quo*. At that stage the suit from the Court of the Principal Junior Civil Judge, Anakapalli, was transferred to first respondent, namely, the Court of the Junior Civil Judge, Gajuwaka, and was renumbered as O.S.No.450 of 2004. However, the petitioner alleges that the records were not transferred to Gajuwaka Court. In this background, the petitioner filed instant writ petition seeking a writ of Mandamus directing first respondent to appoint an Advocate Commissioner to note down the physical features and for a direction to expedite the matter in O.S.No.450 of 2004.

This Court fails to understand as to how such a writ petition would lie. When the petitioner's suit is already pending and the same has already been transferred from one Court to another Court, the petitioner has to be ready with the trial and if there is any delay in conducting trial, he can always file an application to the same Court seeking day-to-day trial. Approaching High Court is not proper. In a case of this nature, this Court ought to impose exemplary heavy costs. However, this Court declines to do so because the writ petition is filed out of ignorance of public Law.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

26th April, 2007

ghn